

REMARKS

This communication is being filed in response to the Office Action dated May 17, 2004. Claims 1-24 are pending. The Examiner has withdrawn claims 1-17, 20-23 and 25-34 from further consideration as being drawn to non-elected inventions. Claim 19 is cancelled herein. New claims 35-37 are added. Support for the new claims may be found, *inter alia*, in paragraphs 0080 through 0092 of the instant specification.

The Examiner objects to the title of the application as not being descriptive of the claimed invention. The Examiner also objects to the specification of the instant application for failing to provide a sequence identifier for the nucleic acid sequence disclosed on page 73, paragraph 151. The title and the specification of the application are amended as described above.

Claims 18 and 24 are rejected under the first paragraph of 35 U.S.C. § 112 for lack of enablement. Claims 19 and 24 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Claims 18 and 24 are amended herein as described above. Claim 19 is cancelled herein. Applicants respectfully traverse the rejections of claim 18 and 24, as presently amended, for the reasons set forth below.

I. The Title, as Amended, Is Descriptive of the Claimed Invention

The Examiner objects to the title of the application as not being descriptive of the claimed invention. Specifically, the Examiner requires a new title that is clearly indicative of the invention to which the claims are directed. In response, Applicants amend the title of the instant application as indicated hereinabove. In view of this amendment, Applicants respectfully request that the objection to the title of the application be withdrawn.

II. The Specification, as Amended, Complies with 37 C.F.R. §1.821(d)

The Examiner objects to the specification of the instant application as failing to comply with the requirements of 37 C.F.R. §1.821(d), because paragraph 151 on pp. 73-75 allegedly failed to include a unique sequence identifier for each nucleic acid sequence. Applicants respectfully note that the Response to the Notice to Comply submitted on February 7, 2003, and received by the Patent Office on February 11, 2003, provided unique sequence identifiers for each nucleic acid sequence disclosed in the specification. Furthermore, this response provided specific directions regarding amendment of the specification to introduce these sequence identifiers into the specification. However, upon review of this response, Applicants recognize that the sequence identifiers for SEQ ID NO:12 and SEQ ID NO:13 were not positioned immediately after each of these sequences, but rather were grouped together after SEQ ID NO:13. To ensure full compliance with 37 C.F.R. § 1.821(d), Applicants herein amend paragraph 151 to provide separate sequence identifiers for each of these two sequences. In light of this amendment, Applicants respectfully request that the objection to the specification be withdrawn.

III. The Claims, as Presently Amended, are Enabled

Claims 18 and 24 are rejected under the first paragraph of 35 U.S.C. § 112 because, according to the Examiner, the specification does not enable any person skilled in the art to which the invention pertains, or with which it is most nearly connected, to make and use the invention commensurate with the scope of these claims. Specifically, the Examiner contends that the claims, although enabling for methods for identifying a compound that inhibits CD38 enzyme activity comprising contacting a cell expressing CD38 and a chemoattractant receptor

with a test compound in the presence of the chemoattractant and CD38 substrate and measuring the level of CD38 activity, the specification is not enabling for the practice of this method with cells that do not express a chemoattractant receptor.

In response, Applicants amend claim 18 as described hereinabove to indicate that the cells to be employed in the claimed method express both CD38 and a chemoattractant receptor. In light of this amendment, Applicants respectfully submit that claims 18 and 24 are now enabled by the instant specification and request that the rejection of these claims under the first paragraph of 35 U.S.C. § 112.

IV. The Claims, as Presently Amended, are Definite

Claims 19 and 24 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Specifically, the Examiner asserts that claims 19 and 24 are indefinite in that they depend from a non-elected claim. In response, Applicants herein amend claim 24 so that it depends only from elected claim 18, and not non-elected claim 17. The rejection of claim 19 is mooted by the cancellation of this claim as indicated hereinabove in the listing of claims. In view of these amendments and cancellations, Applicants respectfully request that the objection to the title of the application be withdrawn.

CONCLUSIONS

In light of the amendments, Applicants submit that the present application is in condition for allowance of claims 18 and 24 and new claims 35-39. A Notice of Allowance is therefore respectfully requested.

Applicants believe that no fees are due with this timely filed response. However, should any fees be required in connection with this filing, the Commissioner is hereby authorized to charge Deposit Account Number 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,

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